FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
A.O. NO.407 OF 2007
IN
NOTICE OF MOTION NO. OF 2007
IN
L.C. SUIT NO.1633 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.M.Saraogi for the Appellant.
Mrs.Geeta Joglekar for the B.M.C.

CORAM : A.S. OKA, J.
DATED : 11TH JUNE, 2007

P.C:

The learned Advocate for the Appellant states that as the challenge in the suit is to the notice issued under Section 55 of the Maharashtra Regional and Town Planning Act, 1966 the suit may not be maintainable. He seeks permission to withdraw the suit with liberty to take out appropriate proceedings for challenging the notice in dispute.

2. He submitted that an appropriate protection may be granted to enable the Appellant to take out appropriate proceedings.

3. The prayer made by the Advocate for the Appellant is reasonable. Hence, the following order is passed :-

i) L.C. Suit No.1673 of 2007 is allowed to be withdrawn with liberty to file appropriate proceedings for challenging the impugned notice dated 19.4.2007.

ii) To enable the Appellant to take out appropriate proceedings, status-quo as on today shall be maintained by both the parties in respect of the suit structure for a period of three weeks from today.

iii) The trial Court will pass a formal order in the suit in terms of this order after receipt of writ of this order.

3. The Appeal is disposed of on the above terms. No order as to costs.

(A.S. OKA, J.)